IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JAMES E. SHRUM,)
Plaintiff,)
v.	Case No. 3:22-cv-00669 Judge Aleta A. Trauger
TIMOTHY TILLEY et al.,) Judge Aleta A. Trauger
Defendants.)
)

ORDER

For the reasons set forth in the accompanying Memorandum, plaintiff James Shrum's construed objections (Doc. Nos. 41, 42) are **OVERRULED**, and the Magistrate Judge's Report and Recommendation ("R&R") (Doc. No. 40) is **ACCEPTED** in its entirety. In accordance therewith, the claims against defendants Timothy Tilley and Tyler Barnett are **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b), for failure to prosecute; the claims against defendant Christopher Williams are **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 4(m), for failure to effect service of process on this defendant; Tilley and Barnett's Motion for Summary Judgment (Doc. No. 29) is **TERMINATED AS MOOT**; and this case **DISMISSED** in its entirety **WITHOUT PREJUDICE**.

The plaintiff is notified that, under the Tennessee Savings Statute, Tenn. Code Ann. § 28-1-105(a), he has one year within which to recommence this action. ¹

¹ As the Magistrate Judge noted, however, the claims against defendant Williams may be barred by the statute of limitations based on the plaintiff's failure to effect service of process upon that defendant. *See Fed. Deposit Ins. Corp. v. Cureton*, 842 F.2d 887, 892 (6th Cir. 1988).

It is so **ORDERED**.

This is the final Order in this case for purposes of Federal Rule of Civil Procedure 58.

ALETA A. TRAUGER

United States District Judge